

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

IN RE	*	CASE NO. 17-06313 MCF
	*	
RUBEN GUADALUPE SANTALIZ	*	CHAPTER 13
	*	
<u>DEBTOR</u>	*	

**DEBTOR'S OBJECTION TO CLAIM NO. 1-1
FILED BY BANCO POPULAR DE PUERTO RICO**

TO THE HONORABLE COURT:

COMES NOW, **RUBEN GUADALUPE SANTALIZ**, the Debtor in the above captioned case, through the undersigned attorney, and very respectfully states and prays as follows:

1. That Banco Popular de Puerto Rico ("BPPR"), filed a proof of claim number 1-1, as a secured creditor, claiming pre-petition arrears, late charges, costs and fees **in the sum of \$1,556.60**, in the above captioned case.

2. That BPPR's security stems from a mortgage loan, guaranteed with the Debtor's real property and principal residence located at Urb Hacienda Primavera Cidra, Puerto Rico.

3. That BPPR's Claim No. 1-1, filed on October 16, 2017, is hereby objected on the following grounds:

- a. that Claim No. 1-1 reflects one (1) month in pre-petition arrears for the October/2017 mortgage payment;
- b. that on October 13, 2017, the Debtor paid BPPR a direct post-petition payment (\$844) to cover the month of October/2017,

Page – 2-
Debtors' Objection to Claim 1-1 filed by BPPR
Case no. 17-06313 MCF13

confirmation #1013N57, debited on October 16, 2017, to the Debtor's checking account with FirstBank PR;

c. that the aforestated post-petition payment was collected by BPPR prior to the filing of BPPR's Claim No. 1-1 (dated 10/26/2017);

d. that Claim No. 1-1 also reflects that the Debtor apparently owes BPPR \$53.92 in "pre-petition fees due" (See POC No. 1-1, at page 4), which amount is also hereby objected since the mortgage loan with BPPR was modified (pre-petition) in September/2016 and on said transaction BPPR collected and/or should have collected all pending costs, fees and expenses due to BPPR, as of said date;

e. that after the September/2016 loan modification, the Debtor made all mortgage loan payments on time;

f. that Claim No. 1-1 reflects the sum of \$696.80 for "legal fees" without any explanation as to when/how/for what case these fees were incurred, thus, the same are hereby objected.

WHEREFORE, the Debtor respectfully requests this motion be granted, and that BPPR's claim for pre-petition **arrears be reduced to \$0.00, Claim No. 1-1, Part 2, 9**, in the above captioned case.

NOTICE PURSUANT TO LOCAL RULE 3007-1 (c):

Within thirty (30) days after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 900(f) if you were served by mail, any party against whom this paper has been served, or any other party to the action who objects to

Page – 3-
Debtors' Objection to Claim 1-1 filed by BPPR
Case no. 17-06313 MCF13

the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the Clerk's office of the U.S. Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the objection will be deemed unopposed and may be granted unless: (1) the requested relief is forbidden by law; (2) the requested relief is against public policy; or (3) in the opinion of the court, the interest of justice requires otherwise. If you file a timely response, the may – in its discretion – schedule a hearing. Local Rule 3007-1 (c).

I CERTIFY that on this same date a copy of this motion was filed with the Clerk of the Court using the CM/ECF filing system which will send notice of such to Alejandro Oliveras Rivera, Esq. Chapter 13 Trustee; Monsita Lecaroz Arribas, Esq., Assistant US Trustee; Jose A. Sanchez Velez, Esq., Bermudez Diaz & Sanchez, Counsel for Banco Popular de Puerto Rico; I also certify that a copy of this motion was sent via email jsanchez@bdsllawpr.com to Jose A. Sanchez Velez, Esq., Bermudez Diaz & Sanchez, Counsel for Banco Popular de Puerto Rico; and sent via US Certified Mail #7016 1370 0000 7498 5619, to: Richard Carrion, President and CEO Banco Popular de Puerto Rico, PO Box 71375 San Juan PR 00936; I also certify that a copy of this motion was sent via US regular mail to the Debtor Ruben Guadalupe Santaliz Urb Hacienda Primavera AA 15 Austral Street Cidra PR 00739.

RESPECTFULLY SUBMITTED, in San Juan, Puerto Rico, this 12th day of March, 2018.

/s/Roberto Figueroa Carrasquillo
USDC #203614
RFIGUEROA CARRASQUILLO LAW OFFICE PSC
ATTORNEY for the DEBTOR
PO BOX 186 CAGUAS PR 00726
TEL NO 787-744-7699 FAX NO 787-746-5294
Email: rfigueroa@rfclawpr.com